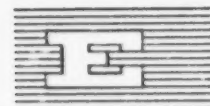


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Item 5 of the provisional agenda*

FURTHER ACTION REQUIRED IN CONNECTION WITH THE UNITED NATIONS
CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES

Report of the Secretary-General

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*E/CN.7/1991/1/Rev.1.

INTRODUCTION

1. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (E/CONF.82/15 and Corr.2) was adopted by 106 States at a plenipotentiary conference held at Vienna from 25 November to 20 December 1988. By 20 December 1989, the closing day for signature, 89 States, as well as one regional organization, had signed the Convention (annex I). By 12 December 1990, 27 States had ratified or acceded to the Convention (annex II). The twentieth instrument of ratification was deposited with the Secretary-General on 13 August 1990 by Spain. In accordance with article 29, the Convention entered into force on the ninetieth day thereafter, that is, on 11 November 1990.

I. MEASURES PROPOSED FOR CONSIDERATION BY THE COMMISSION

2. Article 21 authorizes the Commission to consider all matters pertaining to the aims of the Convention, including, in particular, the review of its operation. The Commission, therefore, might consider identifying measures to promote adherence to the Convention and to support its full implementation by States, both those that are parties to it and those that have not yet become parties. Such measures, for implementation beginning in 1991, might be as follows:

(a) The convening of periodic meetings of States parties to focus on articles of the Convention that call for increased co-operation between States parties. Initially, it might be useful for the meetings to discuss articles 5, 7 and 17 and later, other articles. This would enable the States parties to establish channels of communication and to identify obstacles to their co-operation. The States parties could, at later meetings, establish channels of communication and identify obstacles to their co-operation. They might also examine ways in which the Commission and the International Drug Control Programme of the United Nations could further assist States in implementing the Convention. Interested States not yet parties to the Convention might be invited to attend those meetings as observers;

(b) The publication of a multilingual directory of national authorities designated by States parties, in accordance with article 7, paragraph 8, and article 20, paragraph 1. The directory might include information provided by each State party on how such requests should be made to that party; the name, address, telephone, telex and telefax numbers of the competent authority of the party; and the language of the request. Such a directory would help State parties to identify the appropriate national authorities to which their request should be addressed, and would facilitate rapid communication;

(c) The development by the International Drug Control Programme of practical manuals for use by national authorities in drafting requests for assistance pursuant to articles 5 and 7, or requests for extradition pursuant to article 6;

(d) The development of a computerized library of laws and regulations promulgated by States to give effect to the Convention, and of bilateral and multilateral agreements entered into by States to serve the purposes of, give practical effect to, or enhance the provisions of the Convention. Such a computerized library could facilitate assistance to States that so request by

enabling the International Drug Control Programme to have immediate access to all legal texts.

II. ADHERENCE TO THE CONVENTION

3. The entry into force of the Convention as early as possible, preferably by the end of 1990, was established as an objective by the General Assembly in its resolution 44/140 and in the Global Programme of Action, paragraph 51 (Assembly resolution S-17/2).

4. In resolution 44/140, the Assembly invited the Commission on Narcotic Drugs to identify suitable measures to be taken prior to the entry into force of the Convention. Following this request, the Division of Narcotic Drugs launched a campaign for treaty adherence. The objective was not only to enable the Convention to enter into force as soon as possible, but also to increase the number of State parties to the earlier drug-control treaties already in force. Notes were sent to all States not parties to one or more drug-control treaties, offering to provide them with model forms of accession and to assist them in overcoming procedural and substantive difficulties.

5. In his report to the General Assembly at its forty-fifth session on international action to combat drug abuse and illicit trafficking (A/45/495), the Secretary-General stated that, after the entry into force of the Convention, accession to it should be further promoted, with a view to universal adherence. The Assembly, in its resolution 45/146, again urged States to accede to the Convention as soon as possible.

6. In order for the Commission to review the steps that States have taken to ratify, accept, approve or formally confirm the Convention, the Secretary-General modified Part A of the Annual Reports Questionnaire on the implementation of international drug-control treaties. Part A now includes a question on the administrative, legislative and operational steps taken by States to ratify or accede to the Convention. A summary of the 36 replies* received is included in annex III, for review by the Commission.

III. ACTION BY THE SECRETARIAT

7. The General Assembly by its resolution 44/140, paragraph 11, requested the Secretary-General to publicize the Convention. Accordingly, the Department of Public Information prepared two press releases on the provisions of the Convention and its observance by Member States, together with one on the entry into force of the Convention.

8. In the same resolution, the Assembly urged the Secretary-General to provide assistance to States, at their request, to enable them to establish the

*Australia, Belgium, Chad, Chile, China, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Hong Kong, Hungary, Iran (Islamic Republic of), Iraq, Israel, Mexico, Netherlands, New Zealand, Peru, Philippines, Poland, Romania, Saint Vincent and the Grenadines, Singapore, South Africa, Spain, Sweden, Thailand, Tunisia, Turkey, Union of Soviet Socialist Republics, Venezuela, Yugoslavia and Zambia.

legislative and administrative measures necessary for the application of the Convention. The Division of Narcotic Drugs has developed projects to comply with that mandate.

9. Since January 1990, assistance has been given to eight States, upon request, to draft new legislation or amend existing laws. The assistance has included, but has not been limited to, analysis of existing laws and regulations to enhance the State's capacity to respond to local problems and to ensure compatibility with international treaty obligations; comparative legislative studies; and research on relevant examples of legislation that may exist in a country or countries with similar legal systems.

10. In connection with article 14, paragraph 5, of the Convention, an Expert Group on Pre-trial Destruction of Narcotic Drugs, Psychotropic Substances and Precursors and Essential Chemicals was convened at Bangkok from 22 to 24 October 1990. Its report is before the Commission (E/CN.7/1991/CRP.5).

11. With regard to laws and regulations, the draft Cumulative Index 1987-1990 (E/CN.7/1991/CRP.11) has been designed to facilitate comparative legislative studies and to assist States in bringing their national legislation into line with the Convention. During that period, many States engaged in intense legislative activity in connection with the preparation and adoption of the Convention. The list of activities in the draft Index has been revised to take into account matters dealt with in the Convention, and a new part, grouping those activities under generic subject matter, has been added to facilitate thematic research.

12. During 1990, the regional meetings of heads of national drug law enforcement agencies (HONLEA) and the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East have included an item on their agendas on the steps taken to apply the Convention and harmonize national legislation with its provisions. The report, resolutions and recommendations of those meetings are before the Commission (E/CN.7/1991/2 and Corr.1, E/CN.7/1991/3, E/CN.7/1991/4, E/CN.7/1991/5 and E/CN.7/1991/6).

13. In order to assist law enforcement agencies to implement specific provisions of the Convention, the HONLEA meetings have also organized working groups to identify loopholes in state practice and legislative provisions that hinder full implementation and to devise countermeasures.

Annex I

SIGNATORIES TO THE UNITED NATIONS CONVENTION AGAINST ILLICIT
TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(By 20 December 1989)

Afghanistan; Algeria; Argentina; Australia; Austria; Bahamas; Bahrain;
Bangladesh; Belgium; Bolivia; Brazil; Brunei Darussalam; Bulgaria;
Byelorussian Soviet Socialist Republic; Cameroon; Canada; Chile; China;
Colombia; Costa Rica; Côte d'Ivoire; Cuba; Cyprus; Czechoslovakia; Denmark;
Ecuador; Egypt; Finland; France; Gabon; Germany,* Ghana; Greece; Guatemala;
Holy See; Honduras; Hungary; Indonesia; Iran (Islamic Republic of); Ireland;
Israel; Italy; Jamaica; Japan; Jordan; Kuwait; Luxembourg; Malaysia; Maldives;
Mauritania; Mauritius; Mexico; Monaco; Morocco; Netherlands; New Zealand;
Nicaragua; Nigeria; Norway; Pakistan; Panama; Paraguay; Peru; Philippines;
Poland; Portugal; Senegal; Sierra Leone; Spain; Sudan; Suriname; Sweden;
Switzerland; Togo; Trinidad and Tobago; Tunisia; Turkey; Ukrainian Soviet
Socialist Republic; Union of Soviet Socialist Republics; United Kingdom of
Great Britain and Northern Ireland; United Republic of Tanzania; United States
of America; Uruguay; Venezuela; Yemen; Yugoslavia; Zaire; Zambia.

The European Economic Community is also a signatory.

*Both the German Democratic Republic and the Federal Republic of Germany
signed.

Annex II

STATUS OF RATIFICATION OR ACCESSION TO THE UNITED NATIONS CONVENTION
AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(By 12 December 1990)

<u>State</u>	<u>Date of ratification or accession</u>
Bahamas	30 January 1989
China	25 October 1989
Nigeria	1 November 1989
Senegal	27 November 1989
Bahrain	7 February 1990
United States of America	20 February 1990
Chile	13 March 1990
Ecuador	23 March 1990
India*	27 March 1990
Ghana	10 April 1990
Mexico	11 April 1990
United Arab Emirates*	12 April 1990
Jordan	19 April 1990
Nicaragua	4 May 1990
Qatar*	4 May 1990
Cyprus	25 May 1990
Canada	5 July 1990
Togo	1 August 1990
Spain	13 August 1990
Bolivia	20 August 1990
Uganda*	20 August 1990
Paraguay	23 August 1990
Bhutan*	27 August 1990
Tunisia	20 September 1990
Bangladesh	11 October 1990
Byelorussian Soviet Socialist Republic	15 October 1990
Grenada*	10 December 1990

*Acceded.

Annex III

STEPS BEING TAKEN WITH A VIEW TO BECOMING A PARTY TO, OR IN PREPARATION
FOR THE ENTRY INTO FORCE OF, THE UNITED NATIONS CONVENTION AGAINST
ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

1. Several Governments indicate in their replies to the Annual Reports Questionnaire that the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is being considered for ratification a/ or accession. b/ In Côte d'Ivoire, the ratification, recommended by the Parliament, is under consideration at the Ministry of Foreign Affairs. In Finland, a working group has been established to prepare the ratification. In the Islamic Republic of Iran, the Convention has been translated into Persian and the Council of Ministers is considering its ratification. In Tunisia, the Convention is being examined by the National Narcotics Bureau with a view to its ratification. In the Union of Soviet Socialist Republics, it has been submitted to all interested agencies to collect their responses to possible ratification. In Yugoslavia, the Federal Assembly is reviewing the Convention.
2. Several Governments c/ indicate that amendments to their existing legislation or new laws and regulations are being prepared in order to implement the Convention or prepare for its ratification.
3. With respect to article 3, in Cyprus, a bill has been prepared providing for an increase of penalties for drug-related offences. In Belgium, a bill establishing money laundering as an offence has been deposited before the Parliament. In Israel, legislation on money laundering is in preparation.
4. Concerning article 5, several Governments d/ refer to the drafting of bills that would enable them to trace, freeze, seize and confiscate proceeds derived from illicit trafficking. In Cyprus, progress towards enacting a bill empowering courts to order the disclosure of confidential information, such as information on bank accounts, is reported on.
5. In the Netherlands and New Zealand, legislation is being developed on extradition procedures in conformity with article 6.
6. In the Netherlands, legislation on mutual legal assistance has been prepared.
7. Concerning article 11, in Turkey a bill on this law enforcement method is in preparation. In the Union of Soviet Socialist Republics preparatory work is being done on the subject.

a/ Australia, Côte d'Ivoire, Cuba, Czechoslovakia, Denmark, Finland, Hungary, Tunisia, Union of Soviet Socialist Republics and Yugoslavia.

b/ Chad, Iran (Islamic Republic of), Iraq and Singapore.

c/ Australia, Belgium, China, Cyprus, Egypt, Israel, Netherlands, New Zealand, Peru, Philippines, Poland, Romania, South Africa, Spain, Sweden, Thailand, Tunisia, Turkey, Union of Soviet Socialist Republics and Zambia.

d/ Belgium, Cyprus, Israel, Netherlands, New Zealand and Thailand.

8. Several Governments e/ report on the adoption or preparation of control measures on substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, in accordance with the Convention.

9. In Cyprus and Thailand, measures on the treatment and rehabilitation of drug addicts have been taken.

10. In Cyprus, a bill has been prepared for the establishment of a national drug-control body. In Zambia, a Drug Enforcement Commission has been established under the Ministry of Home Affairs.

e/ China, Netherlands, New Zealand, Peru, Philippines, Poland and Union of Soviet Socialist Republics.